



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
Water Quality/NNPDES Program
P.O. Box 339
Window Rock, Arizona 86515
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Dr. Joe Shirley, Jr.
PRESIDENT

Ben Shelly
VICE PRESIDENT

August 22, 2008

Alexis Strauss, Director
Office of the Director (WTR-1)
Water Division
U.S. Environmental Protection Agency – Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Pete:

Recently, the Resources Committee of the Navajo Nation Council approved amendments to the Navajo Nation Surface Water Quality Standards. We are now requesting action by U.S. EPA to approve the amendments to the NNSWQS.

Please find enclosed the following two documents:

- (1) A copy of the NNSWQS approved by the Resources Committee on May 13, 2008.
- (2) A statement from the Navajo Nation Attorney General attesting that proper rulemaking procedures were followed in the passage of the NNSWQS and that these standards are legally enforceable under Navajo law.

The original NNSWQS were approved by the Resources Committee in November 1999 and were subsequently approved by U.S. EPA, pending program authorization, in January 2002. The July 2004 amendments to the NNSWQS were not submitted for U.S. EPA approval.

If you have any questions, please contact me at (928) 871-7701 or Patrick Antonio of the Water Quality/NNPDES Program at (928) 871-7185. Thank you.

Sincerely,

A handwritten signature in dark ink that reads "S. Deb Misra".

S. Deb Misra, P.E., Director
Surface & Ground Water Protection Department
Navajo Nation Environmental Protection Agency

Enclosures.



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

LOUIS DENETSOSIE
ATTORNEY GENERAL

HARRISON TSOSIE
DEPUTY ATTORNEY GENERAL

July 30, 2008

Alexis Strauss, Director
Office of the Director (WTR-1)
Water Division
U.S. Environmental Protection Agency – Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Strauss:

My office reviewed the amendments to the Navajo Nation Surface Water Quality Standards (NNSWQS) prior to their adoption by the Resources Committee of the Navajo Nation Council on May 13, 2008, by Resolution No. RCMY-25-08. These regulations govern the beneficial uses and water quality standards of Navajo Nation waterbodies. They underwent an extensive public notice campaign put on by the Navajo Nation Environmental Protection Agency as required by the Navajo "Uniform Regulations for Permit Review, Administrative Enforcement Orders, Hearings, and Rulemakings Under Navajo Nation Environmental Acts."

Attached hereto as Exhibit "A" is a listing and map denoting the Navajo Nation surface waters with designated uses protected by the amended NNSWQS.

The Resources Committee is authorized to promulgate regulations governing water quality standards for the Navajo Nation by the Navajo Nation Clean Water Act. 4 N.N.C. § 1301 et Seq.. These regulations, therefore, have the effect of Navajo law.

Our review of the regulation-making procedures followed by the Resources Committee, as well as the Navajo Nation Clean Water Act, satisfied me that the amended NNSWQS were adopted in accordance with Navajo Nation law, and accordingly are enforceable under Navajo law.

Please contact this office if you have any questions. Thank you.

Sincerely,

Louis Denetsosie
Attorney General

Attachments

Exh
"A"

**Waters of the Navajo Nation with Designated Uses Protected by the
Navajo Nation Surface Water Quality Standards (May 13, 2008)**

Tatahotso Wash	White Mesa Lake
Shinumo Wash	Tappan Wash, mouth to headwaters
Tiger Wash	Cedar Wash, mouth to headwaters
Tanner Wash	Deadman Wash, mouth to headwaters
Colorado River, mouth of Little Colorado River to mouth of Paria River	Canyon Diablo, mouth to Navajo Nation boundary
Colorado River, mouth of Paria River to Glen Canyon Dam	San Francisco Wash, mouth to Navajo Nation boundary
Antelope Creek, Lake Powell shoreline at elevation of 3720 feet to headwaters	Padre Canyon, mouth to Navajo Nation boundary
Kaibeto Creek, Lake Powell shoreline at elevation of 3720 feet to headwaters	Young Canyon, mouth to Navajo Nation boundary
Navajo Creek, Lake Powell shoreline at elevation of 3720 feet to headwaters	Yellow Jacket Canyon, mouth to Navajo Nation boundary
Aztec Creek, Lake Powell shoreline at elevation of 3720 feet to headwaters	East Fork Dinnebito Wash
Little Colorado River, mouth to origin of perennial flow (between mouth of Lee Canyon to USGS gaging station)	Corn Creek, within Navajo Nation boundary
Little Colorado River, origin of perennial flow to Navajo Nation boundary	Oraibi Wash, within Navajo Nation boundary
Lee Canyon, mouth to headwaters	Polacca Wash, within Navajo Nation boundary
Moenkopi Wash, mouth to headwaters	Jeddito Wash, within Navajo Nation boundary
Hamblin Wash, mouth to headwaters	Cottonwood Wash, within Navajo Nation boundary
Begashibito Wash, mouth to headwaters	Kinlichee Creek
Shonto Wash, mouth to headwaters	Ganado Lake
Cow Springs Lake	Pueblo Colorado Wash

**Waters of the Navajo Nation with Designated Uses Protected by the
Navajo Nation Surface Water Quality Standards (May 13, 2008) -- Continued**

Leroux Wash, within Navajo Nation boundary	San Juan River and perennial tributaries (except as listed below)
Antelope Lake	Non-perennial tributaries to San Juan River (except as listed below)
Puerco River, within Navajo Nation boundary	Desert Creek
Black Creek, mouth to headwaters	Gothic Creek
Tohdildonih Wash, mouth to Asaayi Lake	McCraken Canyon within Navajo Nation boundary
Asaayi (Bowl) Creek, Asaayi Lake to headwaters	Teec Nos Pos Wash (perennial)
Bonito Creek	Teec Nos Pos Wash (non-perennial)
Red Lake	Toh Dahstini Wash
Trout Lake	Gypsum Creek, mouth to headwaters
Rio Pescado, within Navajo Nation boundary	Nokai Canyon, Lake Powell shoreline at elevation of 3720 feet to headwaters
Zuni River, tributaries within Navajo Nation boundary	Oljeto Wash, mouth to headwaters
Arroyo Chico and tributaries within Navajo Nation boundary	Baker Arroyo
Torreon Wash, within Navajo Nation boundary	Cove Wash
Unnamed ephemeral tributaries and playas within Navajo Nation boundary	
Rio Puerco and tributaries within Navajo Nation boundary	
Rio Salado and tributaries within Navajo Nation boundary	
Alamo Creek with Navajo Nation boundary	
Rio San Jose tributaries within Navajo Nation boundary	
Bluewater Creek within Navajo Nation boundary	

**Waters of the Navajo Nation with Designated Uses Protected by the
Navajo Nation Surface Water Quality Standards (May 13, 2008) -- Continued**

Eagle Nest Arroyo	Hunter Wash, mouth to Navajo Nation boundary
Pine Wash	Sheep Springs Wash, mouth to Navajo Nation boundary
Ojo Amarillo	Coyote Wash, mouth to headwaters
Salt Creek Wash	Indian Creek, within Navajo Nation boundary
Standing Redrock Creek Wash	Red Willow Wash, within Navajo Nation boundary
Red Wash	De Na Zin Wash, mouth to Navajo Nation boundary
Gallegos Canyon	Berland Lake
Blanco Wash	Chuska Lake
Largo Canyon	Morgan Lake
Cutter Dam Reservoir	Whiskey Lake
Chaco River/Wash, mouth to mouth of Dead Man's Wash	Chinle Creek/Wash, mouth to mouth of Canyon de Chelly
Chaco River/Wash, mouth of Dead Man's Wash to Navajo Nation boundary	Many Farms Lake
Dead Man's Wash, mouth to headwaters	Walker Creek, perennial reaches, mouth to headwaters
Chinde Wash, mouth to headwaters	Walker Creek, non-perennial reaches, mouth to headwaters
Cottonwood Arroyo, mouth to headwaters	Laguna Creek, perennial reaches, mouth to headwaters
Sanostee Wash (perennial reaches)	
Sanostee Wash (non-perennial reaches)	
Tocito Wash, mouth to headwaters	
Brimhall Wash, mouth to Navajo Nation boundary	
Captain Tom Wash (perennial reaches)	
Captain Tom Wash (non-perennial reaches)	

**Waters of the Navajo Nation with Designated Uses Protected by the
Navajo Nation Surface Water Quality Standards (May 13, 2008) -- Continued**

Laguna Creek, non-perennial reaches,
mouth to headwaters

Tohtso Creek

Tyende Creek, mouth to headwaters

Wheatfield Creek

Lukachukai Wash, perennial reaches,
mouth to headwaters

Aspen Lake

Lukachukai Wash, non-perennial reaches, mouth
to headwaters

Round Rock Lake

Black Mountain Wash, mouth to headwaters

McElmo Creek

Nazlini Wash, perennial reaches, mouth
to headwaters

Montezuma Creek

Nazlini Wash, non-perennial reaches, mouth
to headwaters

Mancos River

Cottonwood Wash, mouth to headwaters

Balakai Wash, mouth to headwaters

Canyon de Chelly Wash, mouth to mouth of
Coyote Wash

Whiskey Creek, mouth of Coyote Wash to
headwaters

Wheatfields Lake

Coyote Wash, mouth to headwaters

Canyon del Muerto Wash, mouth to Canyon De
Chelly to Tsaile Lake

Tsaile Lake

Tsaile Creek, lake to headwaters

Crystal Creek

Little Whiskey Creek

Palisade Creek